



ACTION ITEMS – OCTOBER 2002 BOARD MEETING

COMMUNICATIONS AND PUBLIC EDUCATION COMMITTEE

The board:

- Reported that the revised “Notice to Consumer” poster advising consumers as to the questions they should ask the pharmacist about their medications were being mailed to all pharmacies. Due to the loss of positions and resources, the board was unable to include an 800 number on this poster for consumers to contact the board.
- Reported that *Health Notes* #6 on Quality Assurance Program was released in September 2002 to all pharmacies and pharmacists.
- Reported that *Health Notes* #7 on Geriatrics is under development with the goal of distributing it by February 2003.
- Reported that a seminar on Worldwide Implications for Antibiotic Use and Misuse was held October 18, 2002. This is the first in a series of health care topics to be presented in Sacramento. The seminars are co-sponsored by the Department of Consumer Affairs, the UCSF Center for Consumer Self-Care and the Board of Pharmacy. The next seminar is January 17, 2003, on Consumers and Dietary Supplement Marketplace.
- Discussed the importance of educating patients about the “risks” involved when they purchase prescription medications from foreign countries and that a consumer brochure should be developed.
- Discussed the need for a consumer fact sheet on patient privacy.

LICENSING COMMITTEE

The board:

- Heard a presentation from Bruce Wearda, Chair of the Certification Council of the Pharmacy Technician Certification Board.
- Took a support position to amend the statutory and regulation requirements for the registration of pharmacy technicians. The board agreed to (1) accept the Pharmacy Technician Certification Examination (PTCB) certification as one route of qualification for registration, (2) accept only an associate degree in pharmacy technology and eliminate the other associate degrees, (3) revise the training requirements, and (4) eliminate the “equivalent experience” provision for the clerk-typist and hospital pharmacy technician that is currently allowed through regulation. The proposed language has been referred to the Legislation and Regulation Committee.
- Took a support position to change the statute that would allow the pharmacist-in-charge and the pharmacist on duty to determine at their discretion that authority to supervise at least four

ancillary personnel in any combination. As proposed, ancillary personnel would include a pharmacist intern, pharmacy technician, and pharmacy technician trainee.

- Approved the recommendation to move to hearing a regulation proposal to allow the central fill for hospital pharmacies
- Extend the waiver for one year to allow technicians to check technicians at Cedars-Sinai Medical Center and Long Beach Memorial Medical Center as a study with UCSF, School of Pharmacy, while legislation is being pursued to allow this practice. The board agreed to reconsider the request for another extension next year depending on the status of the legislation.
- Approved the request from Ramona Pharmacy for a waiver of California Code of Regulations, section 1717(e) to deliver prescription medications to the Julian Medical Clinic with the provision that the supervising inspector review the policies and procedures for the delivery of the medications

ENFORCEMENT COMMITTEE

The board:

- Revised its Complaint Disclosure Policy as an overview of information that is available regarding licensees in accordance with the Public Records Act. It includes the disclosure of citations and referrals to the Attorney General's Office for discipline.
- Agreed to grant pharmacists continuing education for attending board meetings. A proposal will be developed to bring back to the board.
- Was updated on the changes to the citation and fine process and recommendations for future discussions on proposals to provide the board with more enforcement tools. These legislative proposals will be discussed at the Enforcement Committee meeting on December 10, 2002, in Sacramento.

LEGISLATION AND REGULATION COMMITTEE

The board:

- Was advised that amendments to California Code of Regulations, Title 16, section 1707.2 to update the Notice to Consumers were approved and took effective September 7, 2002.
- Was advised that the adoption of California Code of Regulations, Title 16, section 1777 that permits the board to issue a fine up to \$25,000 for each violation of dispensing prescription drugs via an Internet prescription and without a good faith examination by a prescriber was approved and will take effect November 22, 2002.
- Was advised that the adoption of California Code of Regulations, Title 16, section 1778 that permits the board to issue a fine up to \$25,000 for each violation of the Confidentiality of Medical Information Privacy Act was approved and will take effect November 22, 2002
- Was advised that numerous technical and nonsubstantive changes to board regulations became effective in September to make the regulations consistent with existing law.

- Adopted regulations to amend California Code of Regulations, Title 16, sections 1717 and 1745 relating to the delivery of medications to a location where a patient receives health care and the patient need not be present and to extend the period of time to 14 days in which a Schedule II prescription may be filled.
- Adopted California Code of Regulations, Title 16, section 1720.1 to accept transcripts verified by a credentials evaluation service for candidates who graduated from a foreign pharmacy school.
- Held a regulation hearing to adopt new standards for the compounding of sterile drug products. Because of the concerns raised, the board agreed to use the existing standards for compounding injectable sterile drugs (California Code of Regulations, Title 16, sections 1751 – 1751.10) to implement the new license requirement for these compounding pharmacies. The board also directed that interested parties attend the Licensing Committee meeting on December 5, 2002, to provide constructive resolution to the concerns that were raised during the regulation hearing.
- Reported that the proposed regulation changes to allow a pharmacist to be a pharmacist-in-charge at more than one pharmacy and to eliminate the ratio of clerk-typist were added to the board's rulemaking calendar for 2003.
- Reported that on the status of the following legislation:
 - AB 269 (Correa) – This bill reiterates the board's central function as public protection. Signed by the Governor.
 - AB 2045 (Matthews) – Requires the board to consider good faith reporting of violations by a pharmacist-in-charge as a mitigating factor in disciplinary proceedings. Signed by the Governor.
 - AB 2165 (Strom-Martin) – Directs the Joint Legislative Sunset Review Committee to evaluate the use of the national pharmacist examination (NAPLEX) in California. Signed by the Governor.
 - AB 2655 (Matthews) – This bill extends CURES five years and establishes a practitioner accessible data bank similar to Nevada's. Signed by the Governor.
 - SB 2026 (Senate Business and Professions Committee) – This is the annual omnibus conforms state controlled substance schedules to recent federal controlled substance schedules and repealed an unused statute that permits the licensing of controlled substance warehouses.

ORGANIZATIONAL DEVELOPMENT COMMITTEE

The board:

- Reported that \$6 million from the board's reserve was transferred as a loan to the state's General Fund. A preliminary fund condition prepared by the department's Budget Office indicates a deficiency in the board's fund in 20003/04. The board agreed to raise fees to the statutory maximum via regulation should the loan not be repaid. If the board needs to increase the fees through regulation, there would still be a \$1.2 million gap between annual revenue and expenditures. So in the future the board may need to raise the statutory maximum fees to the levels of the mid-1980s when adjusted for inflation. If

necessary, the board agreed to pursue legislation to raise the statutory maximum levels of fees.

- Reported that the new state budget eliminated 6,000 state positions. To implement this provision, all positions vacant on June 30, 2002, were targeted for elimination, along with funding linked to these positions. The board lost four positions and \$185,000 associated with the positions. The positions lost were two clerical (a receptionist and complaint technician) and two associate analysts (the newsletter editor and the public outreach coordinator).
- Requested that the Department of Consumer Affairs and Department of Finance be informed of the impact that the loss of the board's fund and loss of vacant positions has had on the board's public protection efforts.
- Reported that the Department of Finance issued a directive that no budget change proposal should be submitted for program expansions or new programs for future years due to the state's economy and fiscal crisis. Therefore the only budget change proposal that was submitted was for \$354,059 -- \$301,919 for the Attorney General's Office and \$52,140 for postage. The Department of Finance disapproved the budget change proposal.